

## **IC 8-18-20**

### **Chapter 20. County Toll Road Authorities**

## **IC 8-18-20-1**

### **Application of chapter**

Sec. 1. This chapter applies to all counties.

*As added by P.L.386-1987(ss), SEC.20.*

## **IC 8-18-20-2**

### **Definitions**

Sec. 2. The definitions in IC 36-1-2 apply throughout this chapter and IC 8-18-21.

*As added by P.L.386-1987(ss), SEC.20.*

## **IC 8-18-20-3**

### **"Toll road" defined**

Sec. 3. As used in this chapter and IC 8-18-21, "toll road" includes:

- (1) the land required for a toll road right-of-way; and
- (2) any highway constructed under this chapter, including all bridges, tunnels, interchanges, entrance plazas, approaches, tollhouses, and buildings required for administrative and maintenance purposes.

*As added by P.L.386-1987(ss), SEC.20.*

## **IC 8-18-20-4**

### **Establishment; name; municipal corporation**

Sec. 4. (a) A county may establish a separate municipal corporation to be known as the "\_\_\_\_\_ County Toll Road Authority" (including the name of the county seat and county) for the purposes of:

- (1) acquiring land; and
- (2) financing, constructing, reconstructing, and operating county toll roads.

(b) Any two (2) or more counties, acting under IC 36-1-7, may establish a municipal corporation under subsection (a).

*As added by P.L.386-1987(ss), SEC.20.*

## **IC 8-18-20-5**

### **Hearing on creation; notice by publication; resolution; filing; proof of establishment**

Sec. 5. (a) Whenever the county auditor receives a notice that:

- (1) is signed by the presiding officers of the county executive, the county fiscal body, and the municipal fiscal body of the county seat;
- (2) states that those bodies have agreed to hold a public hearing on and consider the creation of a county toll road authority; and
- (3) fixes a time and place for that hearing;

the auditor shall give notice by publication of the hearing. The notice shall be published in accordance with IC 5-3-1, and must state the

time, place, and purpose of the hearing.

(b) The members of the executive of the county and the fiscal bodies of the county and county seat shall meet at the time and place fixed in the notice. The presiding officers of each of the three (3) bodies shall elect one (1) of their number to preside as chairman at the hearing, another as vice chairman, and another as secretary.

(c) All interested citizens and taxpayers of the county may appear and are entitled to be heard at the hearing.

(d) The authority shall be established if, within sixty (60) days after the hearing, a concurrent resolution declaring a need for the authority is agreed upon and separately adopted by the county executive and county and municipal fiscal bodies.

(e) A copy of the concurrent resolution that is certified by affidavits of the county auditor and municipal clerk showing the date of adoption of the resolution by the three (3) bodies must be filed in the office of the recorder of the county for recording in the miscellaneous records. The certified and recorded copy of the resolution is admissible in evidence in any action or proceeding as proof of the establishment of the authority.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-6**

##### **Board of trustees; membership; notice of appointment; oath**

Sec. 6. (a) Within sixty (60) days after the adoption of the concurrent resolution under section 5 of this chapter, a board of toll road authority trustees shall be appointed. The board consists of five (5) trustees who are appointed in the following manner and for the following initial terms:

(1) One (1) appointed by the municipal fiscal body of the county seat, for a term of one (1) year.

(2) One (1) appointed by the county fiscal body, for a term of two (2) years.

(3) One (1) appointed by the county executive, for a term of three (3) years.

(4) One (1) appointed by the municipal executive of the county seat, for a term of four (4) years.

(5) One (1) appointed by the county executive, for a term of four (4) years.

(b) A person may be appointed as a trustee only if the person:

(1) is at least thirty (30) years of age;

(2) has been a resident of the county for five (5) years immediately preceding the appointment; and

(3) is not an officer or employee of an eligible entity.

(c) The names of all persons appointed under subsection (a) shall be transmitted in writing to the circuit court for the county at least ten (10) days before the end of the sixty (60) day period. The court shall mail a notice of appointment to each trustee immediately after the sixty (60) day period.

(d) Before taking office, each trustee shall take and subscribe an oath of office (in the usual form), which shall be endorsed upon the

trustee's certificate of appointment. The certificate shall be promptly filed with the clerk of the circuit court.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-7**

##### **Expiration of trustee's term; successor**

Sec. 7. (a) As the term of a trustee expires, a successor shall be appointed by the same appointing authority, for a term of four (4) years.

(b) A trustee holds over after the expiration of the trustee's term until a successor is appointed and qualified.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-8**

##### **Vacancies on board of trustees**

Sec. 8. If a person appointed as a trustee:

(1) fails to qualify within ten (10) days after notice of the appointment is mailed to that person; or

(2) qualifies but then dies, resigns, vacates the office because that person is no longer a resident of the county, or is removed from office under section 18 of this chapter;

a new trustee shall be appointed by the same appointing authority for the remainder of the vacated term.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-9**

##### **First meeting of trustees; officers; appointment of board of directors**

Sec. 9. (a) The first trustees of the toll road authority shall, within thirty (30) days after their appointment, meet at a time and place designated by the circuit court for the county for the purpose of electing officers. The trustees shall elect from among themselves a president, a vice president, and a secretary. Each of these officers shall serve from the date of election until the first Monday in January after election, and holds over until a successor is elected and qualified.

(b) At the meeting required by this section, the trustees shall appoint the first board of directors of the toll road authority, as prescribed by section 11 of this chapter.

(c) After appointing the first board of directors of the toll road authority, the trustees shall meet on the first Monday in January of each year for the purpose of:

(1) electing officers;

(2) appointing the directors of the toll road authority; and

(3) performing any other duties under this chapter.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-10**

##### **Board of trustees; procedural rules; record; regular and special meetings**

Sec. 10. (a) The trustees may adopt rules and bylaws governing their procedure.

(b) The proceedings of the trustees shall be recorded in a book provided for that purpose.

(c) In addition to their meetings under section 9 of this chapter, the trustees may hold regular and special meetings as often as is necessary to perform their duties under this chapter.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-11**

##### **Board of directors; membership; appointments; oath**

Sec. 11. (a) A county toll road authority is under the control of a board of directors. This board consists of five (5) directors, who shall be appointed by a majority vote of the toll road authority trustees. Each of the original directors shall serve from the date of the director's appointment until the first day of February in the second year after the director's appointment, and until a successor is appointed and has qualified.

(b) A person may be appointed as a director only if the person:

(1) is at least thirty (30) years of age;

(2) has been a resident of the county five (5) years immediately preceding the person's appointment; and

(3) is not an officer or employee of an eligible entity.

(c) Before entering upon the director's duties, each director shall take and subscribe an oath of office (in the usual form), which shall be endorsed upon the director's certificate of appointment. The certificate shall be promptly filed with the clerk of the circuit court.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-12**

##### **Expiration of director's term; successor**

Sec. 12. As the term of a director expires, a successor shall be appointed by a majority vote of the trustees. The new director shall serve for one (1) year from the first day of February after the director's appointment, and until a successor is appointed and qualified.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-13**

##### **Vacancies on board of directors**

Sec. 13. If a vacancy occurs on the board of directors, the trustees shall, by a majority vote, appoint a new director to serve the remainder of the term.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-14**

##### **First meeting of directors; officers**

Sec. 14. (a) The first directors of a toll road authority shall, within thirty (30) days after their appointment, meet for the purpose of electing officers. They shall elect from among themselves a

president, a vice president, a secretary, and a treasurer. Each of these officers shall perform the duties usually pertaining to that office, and shall serve from the date of election until a successor is elected and qualified.

(b) After the meeting under subsection (a), the directors shall meet on the first Monday in February of each year for the purpose of electing officers.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-15**

##### **Regular and special meetings of directors**

Sec. 15. In addition to their meetings under section 14 of this chapter, the directors may hold the regular and special meetings they consider necessary. The directors may fix the times of these meetings and the notices required for meetings by resolution or under their rules and bylaws.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-16**

##### **Rules of directors; quorum; majority vote**

Sec. 16. (a) The directors may adopt the rules and bylaws they consider necessary for the proper conduct of their proceedings, the performance of their duties, and the safeguarding of the funds and property of the toll road authority.

(b) A majority of the directors constitutes a quorum, and the concurrence of a majority of the directors is necessary to authorize any action by the directors.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-17**

##### **Vacation of office by trustee or director**

Sec. 17. A trustee or director who:

- (1) ceases to be a resident of the county; or
- (2) becomes an officer or employee of a unit that established the authority;

vacates office.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-18**

##### **Removal of trustee or director**

Sec. 18. (a) A person seeking the removal of a trustee for:

- (1) neglect of duty;
- (2) incompetence;
- (3) inability to perform the trustee's duties; or
- (4) any other good cause;

may file a complaint in the circuit or superior court for the county in which the toll road authority is located. The complaint must set forth the charges preferred. The action shall be placed on the court's advanced calendar, and the court shall try the action in the same manner as other civil cases, without a jury. If the charges are

sustained, the court shall declare the trustee's office vacant.

(b) The trustees may summarily remove a director from office at any time.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-19**

##### **Salaries and expenses of trustees or directors**

Sec. 19. A trustee or director is not entitled to a salary but is entitled to reimbursement for expenses necessarily incurred in the performance of duties.

*As added by P.L.386-1987(ss), SEC.20.*

#### **IC 8-18-20-20**

##### **Pecuniary interest in transactions**

Sec. 20. A trustee or director may not have any pecuniary interest in any contract, employment, purchase, or sale made under this chapter. Any such transaction in which a trustee or director has a pecuniary interest is void.

*As added by P.L.386-1987(ss), SEC.20.*